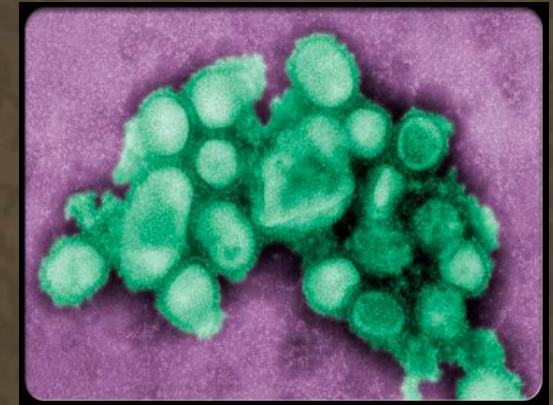


“Public Health Legal Action in Communicable Disease Response: A Legal Toolkit for Public Health Professionals”



Think Health 
Act Now!
CITY OF
MILWAUKEE
HEALTH DEPARTMENT

**High Priority Tools for PH Emergency
Legal Preparedness**

NACCHO 2011 Preparedness Summit

February 22, 2011

Mat Wolters, MS

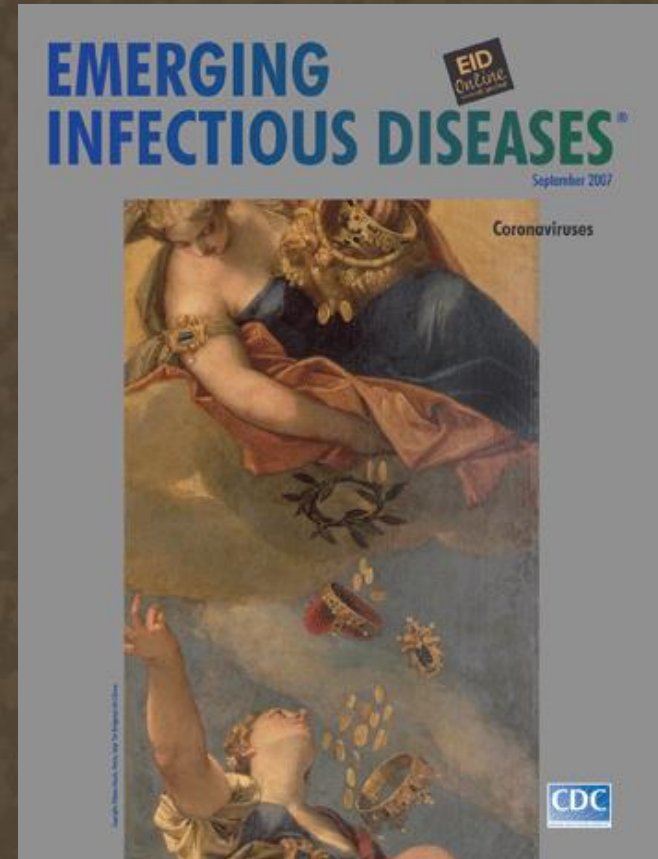
City of Milwaukee Health Department

Agenda

- Project Overview
- Project Deliverable
- Real World Experiences in Milwaukee
- Implementation Roadmap
- Next Steps
- Questions

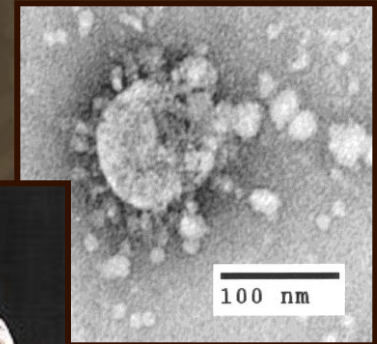
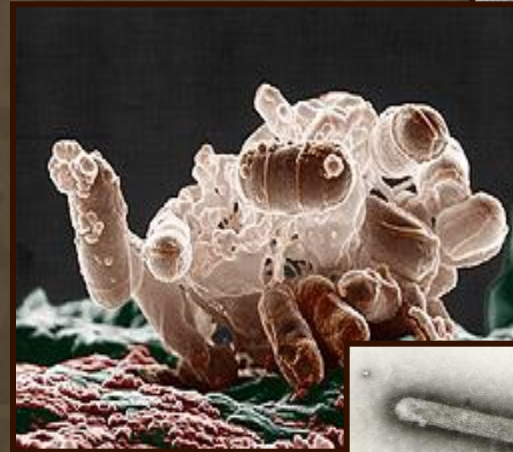
Significant Challenges!

- Globalization
- Socio-economic and Political Factors
- Antimicrobial Resistance
- Nosocomial Infections
- Foodborne and Waterborne Illnesses
- Vectorborne Diseases
- Zoonotic Diseases
- Extreme Weather
- Bioterrorism



A New Era of Disease Threats?

- 2000 E. coli 0157:H7 Sizzlers Outbreak
- 2003 Monkeypox Outbreak
- 2003 SARS Global Outbreak
- 2003 H5N1 Avian Influenza
- 2004 Pertussis Outbreak
- 2006 Mumps Outbreak
- 2006 E.coli 0157:H7 Spinach Outbreak
- 2008 Measles Outbreak
- 2008 S.saintpaul Jalapeno Outbreak
- 2009 H1N1 Pandemic Flu



Criminal & Epidemiology Investigations - Windows Internet Explorer

https://crim-epi.org/default.aspx?AspxAutoDetectCookieSupport=1


File Edit View Favorites Tools Help

Links » Convert Select

Criminal & Epidemiology Investigations

Regional Criminal and Epidemiology Investigations Workshop

HOME GOAL & OBJECTIVES UPCOMING TRAINING CONTACT



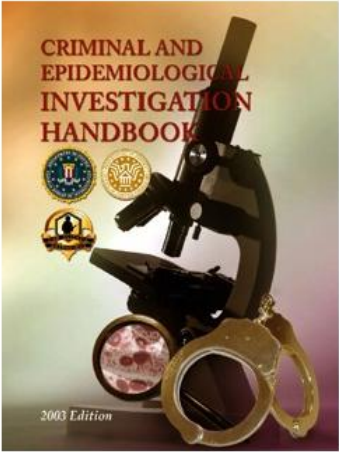
Criminal & Epidemiology Investigations

Joint Criminal and Epidemiology Investigations Model

The joint criminal and epidemiological investigations concept was initiated between the Federal Bureau of Investigation (FBI) and the Centers for Disease Control and Prevention (CDC) in 2003. Since then, the FBI and CDC have hosted six National workshops, providing 600 Federal law enforcement and public health investigators with this specialized training. International interest in this U.S. training model began in 2007. The FBI and CDC have worked with international partners to host workshops in the United Kingdom in 2007 and in Germany in 2008.

The Regional Workshop

FBI field offices, law enforcement, and public health investigators may be the first to initiate the notification process to investigate incidents that could have a potential bioterrorism nexus, or involve the intentional exposure to chemical or radiological hazards. Therefore, in 2008, FBI and CDC offered the Joint Criminal and Epidemiological Workshop at the regional level. The Regional Joint Criminal and Epidemiology Workshop pilot was conducted in Jacksonville, Florida, in April 2008. Since the pilot workshop, over 500 law enforcement and public health agencies' personnel have been introduced to the joint investigations concept in Regional workshops conducted in:



Done

Internet 100%

'Boy, is that water raunchy'

Neighbors of Howard Avenue plant complain of bad water

Bad taste on tap near plant

TOUGH STANDARDS City sets pace for Crypto testing

EPA orders 300 largest
water supplies
to follow Milwaukee

City fears secondary outbreak

Infections can spread
through poor hygiene

Raging virus hits hard at area schools

Pharmacies short of supplies

Taking no chances, hospitals and cafes put the kettles on

By JOEL DRESANG and FRAN BAUER
of The Journal staff

Microbe may well hit again

Officials ready
with boil orders

Some will be told to boil city water

Those with low resistance at risk

Crypto illness count raised to 403,000

11/11/93
People missed 725,000
days of work or school,
water conference told

By DON BEHM

April of this year — 33,000
more than earlier reported.

All of those people missed a
total of 725,000 days of work or
school, according to state epidemiologist Jeff Davis, who spoke
Wednesday at a national drink-

ulation in the service area, he
said. The level of diarrheal illness
caused by the Cryptosporidium
protozoan was highest —
52% — on the city's South Side,
which is served by the Howard
Ave. Purification Plant.

searchers and regulators. The
conference is sponsored by the
American Water Works Association,
an industry group, and was
held this year at the Hyatt Regency
in Miami.

The Milwaukee Water Works

by a high concentration of organisms
in the water or the organisms
present were a type of the
protozoan that was more viru-
lent than others, in that it was
capable of causing illness at low
doses.

www.cityofmilwaukee.gov/Health

Think Health
CITY OF MILWAUKEE
HEALTH DEPARTMENT

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MILWAUKEE • WISCONSIN

JOURNAL SENTINEL

Tasting the world,
tapas stylePlus: Side dish, a new feature
Weekend Cue/Dining OutMastering the fine line
between clever, confusedDudek: 'Smart People' ★★★
Weekend Cue/MoviesToday's
Brewers profile
**RYAN
BRAUN**
Sports, IICBush halting
troop pullout
from IraqMove sets stage for more
disputes with Congress

Washington Post, Journal Sentinel staff

Washington — President Bush on Thursday ordered an indefinite suspension of troop withdrawals from Iraq this summer, but he promised that the war "is not endless," and he braced for a new election-year showdown with Congress over the conflict's economic cost and long-term future.

W

at 10

Measles outbreak brewing,
city health officials warn4 cases confirmed in the
Milwaukee area this weekBy MEG KISSINGER
and SUSANNE RUST
rust@journal-sentinel.com

With a fourth case of measles confirmed on Thursday, Milwaukee is on the verge of a widespread outbreak of the disease, public health officials said.

"There has been massive exposure," said

waukee Health Department.

Two more cases were confirmed Thursday. A measles outbreak in Milwaukee in 1989-90 affected 1,011 people and killed three children.

The cases confirmed on Thursday involve boys, ages 5 months and 1 year.

They attended the same day care as a 23-month-old girl, whose case was confirmed on Monday. The girl attended day care in Greenfield and Greendale and was hospitalized at Children's Hospital of Wisconsin

THE LOWDOWN

Measles is a highly preventable disease. All childhood rash/fever droplets or direct contact with secretions of infected people.

Symptoms include loss of appetite, "pink eye," usually lasts five to six hairline, moves to the face and proceeds down the body.



METRO

MMSD: Halt to rain eases 'bleeding,' but sewer overflows continue. 3B

UW System: Platteville to join schools charging added fee. 4B

Latino art: Exhibit explores immigrants' odyssey. Encore/6B

Measles threatens hundreds

One with disease had contact with 150 people; vaccination clinics set

By SUSANNE RUST
and MEG KISSINGER
rust@journal-sentinel.com

Milwaukee public health officials were busy Friday trying to contain an outbreak of measles that they fear could affect hundreds of people.

Just four cases have been confirmed since Monday, but one of those people had been in contact with as many as 150 people.

Health officials are trying to contact each of those people and monitor their health for any signs of outbreak.

Those known to be infected are a 37-

year-old Milwaukee man, a 21-month-old Franklin girl and two boys, ages 5 months and 1 year, who attended day care with the girl at the Kingdom Care Daycare, connected to the West Layton Assembly of God Church in Greenfield.

Darren Rausch, Greenfield's health officer, said Friday he is hopeful that the outbreak at the day care center had been contained.

The girl was at the day care the week of March 24 to 28. The boys were not in the facility while they were at the day care, Rausch said.

"We believe we have limited the exposure," he said.

In an effort to avert further outbreak, the City of Milwaukee is hosting two free clinics today to vaccinate anyone who needs immunization.

The clinics will be open from 10 a.m. to 2 p.m. at two locations: the South Side Health Center, 1618 S. 23rd St., and the Kenan Health Center, 3300 N. 36th St.

People who need vaccines should contact the public health officer in the community where they live.

Geoffrey Smith, medical director of the Milwaukee Health Department,

said anyone who has been vaccinated and has had a booster shot is protected. One shot is 95% effective. Getting two provides almost total immunity.

Swain and Paul Biedrzycki, the director of disease control and environmental health for the Milwaukee Health Department, underscored the need for children to be vaccinated and tried to set aside any worries that people might have about vaccines causing autism, a growing concern.

There's pretty good evidence that

There's pretty good evidence that

Please see MEASLES, 3B

MORE INFORMATION
The Milwaukee Health Department hotline number is (414) 286-3616 and is available 8 a.m. to 4:30 p.m., weekdays. Updates are posted on the department's Web site: www.milwaukee.gov/health

700 exposed to
rubella patientWoman rode to
downtown office
on Freeway FlyerBy SUSANNE RUST
and MEG KISSINGER
rust@journal-sentinel.com

A Waukesha woman infected with rubella was in contact with more than 700 people before realizing she had the disease.

For several days, while the woman showed no symptoms of the virus but was highly infectious, she rode the Freeway Flyer shuttle bus between her home in Waukesha County and her Milwaukee office at Foley & Lardner, a law firm in the U.S. Bank building.

Health officials have told the Milwaukee County Transit System that the woman was a passenger on Route 79 Menomonee Falls Flyer, said bus system

spokeswoman Jacqueline Janz. That route runs between downtown and Menomonee Falls during rush hours.

Although rubella, or German measles, is considered a mild disease in children and adults, it is extremely dangerous for pregnant women and fetuses.

Children infected before birth are at risk for growth retardation, mental retardation, malformations of the heart and eyes, deafness, and liver, spleen and bone marrow problems.

Officials from the City of Milwaukee said pregnant women had come into contact with the contagious commuter.

Paul Biedrzycki, the director of disease control and environmental health for the Milwaukee Health Department, said both the transit system and Foley & Lardner

Please see RUBELLA, 6B

SYMPTOMS
OF RUBELLA

Symptoms of rubella are so mild that they're difficult to notice, especially in children. It signs and symptoms do occur, they generally appear between two and three weeks after exposure to the virus. They typically last about two to three days and may include:

- Mild fever of 102 F or lower
- Headache
- Stuffy or runny nose
- Inflamed, red eyes
- Enlarged, tender lymph nodes at the base of the skull, the back of the neck and behind the ears
- A fine, pink rash that begins on the face and quickly spreads to the trunk and then the arms and legs, before disappearing in the same sequence
- Aching joints, especially in young women

Source: mayoclinic.com

Parents flock for vaccines
Measles outbreak has some in Waukesha overcoming warinessBy SCOTT WILLIAMS
swilliams@journal-sentinel.com

Waukesha — With a measles outbreak reaching into Waukesha County, nervous parents lined up Wednesday to get their children — and sometimes themselves — vaccinated.

"It's just a little scary," said Regina Peña of Waukesha, who brought her 4-year-old son, Seth, to an immunization clinic sponsored by the county health department.

Although leery of vaccines because of a fear they might cause autism, Peña said the current outbreak of measles in the Milwau-

kee area convinced her that Seth needed protection.

"It scared me into doing it," she said. Since the outbreak began last week, health officials in southeastern Wisconsin have reported seven confirmed or suspected cases and have warned that hundreds of people could be exposed.

One of those seven cases involved a Waukesha County infant. Separately, an adult here tested positive for rubella, also known as German measles.

Please see MEASLES, 5B

UPCOMING CLINICS

The City of Milwaukee is offering free measles vaccines from 10 a.m. to 2 p.m. Saturday at Northwest Health Center, 7630 W. Mill Road; Southside Health Center, 1639 S. 23rd St.; and at an immunization van parked at North Division High School, 1011 W. Center St.

The city health department is offering extended clinic hours this week and next week. For more information, call (414) 286-3616. The city is posting updates at www.Milwaukee.gov/health.

Project Overview

- Containment Measures: Guidelines and Templates for Public Health Legal Action in Communicable Disease Response
 - Public Health response is broader than simply the isolation and quarantine of individuals
 - Other containment measures can be applied to individuals and at community levels
 - Minimal guidance is available in using additional containment measures

Project Overview (cont.)

- What are other containment measures that may be identified by either federal, state or local laws for public health to leverage?
 - Suspension of public gatherings
 - Issuing Food Recalls
 - Obtaining a clinical/environmental sample
 - Obtaining information on case contacts
 - Seizure of diseased or dangerous animals
 - Limiting Travel

Project Deliverable

- The City of Milwaukee Health Department (MHD) in coordination with municipal and county legal counsel has developed template materials that could be followed to enforce public health powers that may be granted by municipal, state and/or federal statutes.

In other words ...

Public health laws (statutes, ordinances, etc.) often describe what to do (i.e. “adopt measures to protect public health”) but lack detail on how to do it (implementation and enforcement).

Real World Experiences

- 2003 → Monkeypox Outbreak
 - Isolation/quarantine of humans
 - Seizure of diseased animals
- 2005 → Tuberculosis Case
 - Court enforced isolation of an individual
- 2009 → 2009 Influenza A (H1N1)
 - School closures

Monkeypox

- Pathogen: Genus:
Orthopoxvirus
Species:
Monkeypox virus
- Reservoir: Wild animals,
mostly primates and
rodents
- Route of Transmission:
Animal-to-Human &
Human-to-Human
- Hosts: Humans, primates,
and rodents

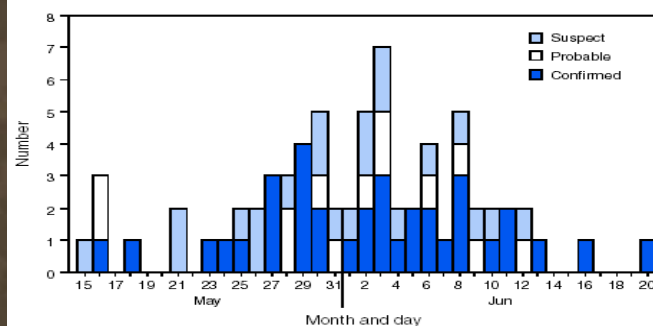


Monkeypox Response

- Seizure of sick animals
- Quarantine of non-sick animals
- Ban on sale, trade or importation
- Enforcement issues (pet stores, dealers, general public)



FIGURE 1. Number of monkeypox cases*, by date of illness onset — Illinois, Indiana, Kansas, Missouri, Ohio, and Wisconsin, 2003†

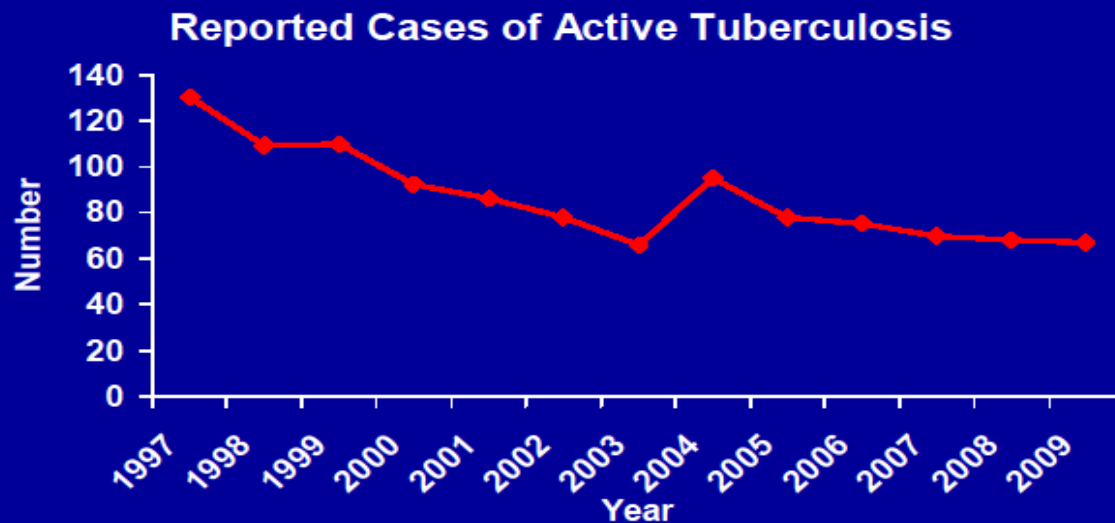


* N = 69 of 71 cases with known date of illness onset.

† As of July 8, 2003.

Active Tuberculosis Disease

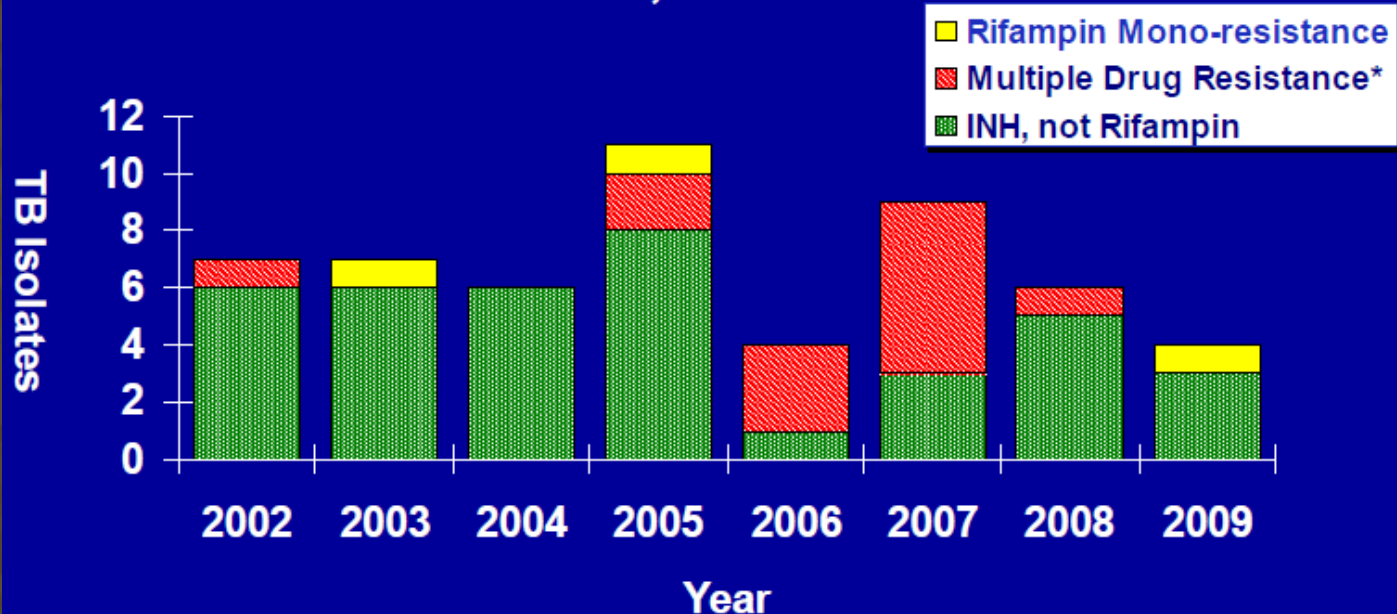
Wisconsin, 1997-2009



Source: Wisconsin DHS, WI TB Case Surveillance Data Through 2009 and CDC, Reported Tuberculosis in the United States, 2008

Drug Resistant Tuberculosis

Wisconsin, 2002-2009

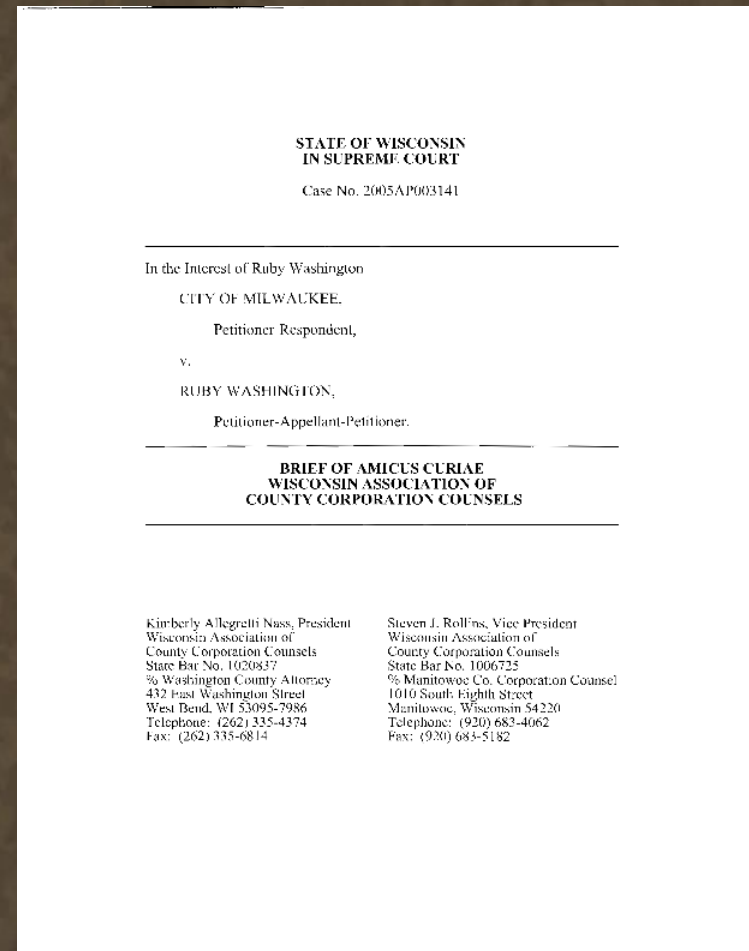


*Resistant to at least INH and Rifampin

Source: Wisconsin DHS, WI TB Case Surveillance Data Through 2009 and CDC, Reported Tuberculosis in the United States, 2008

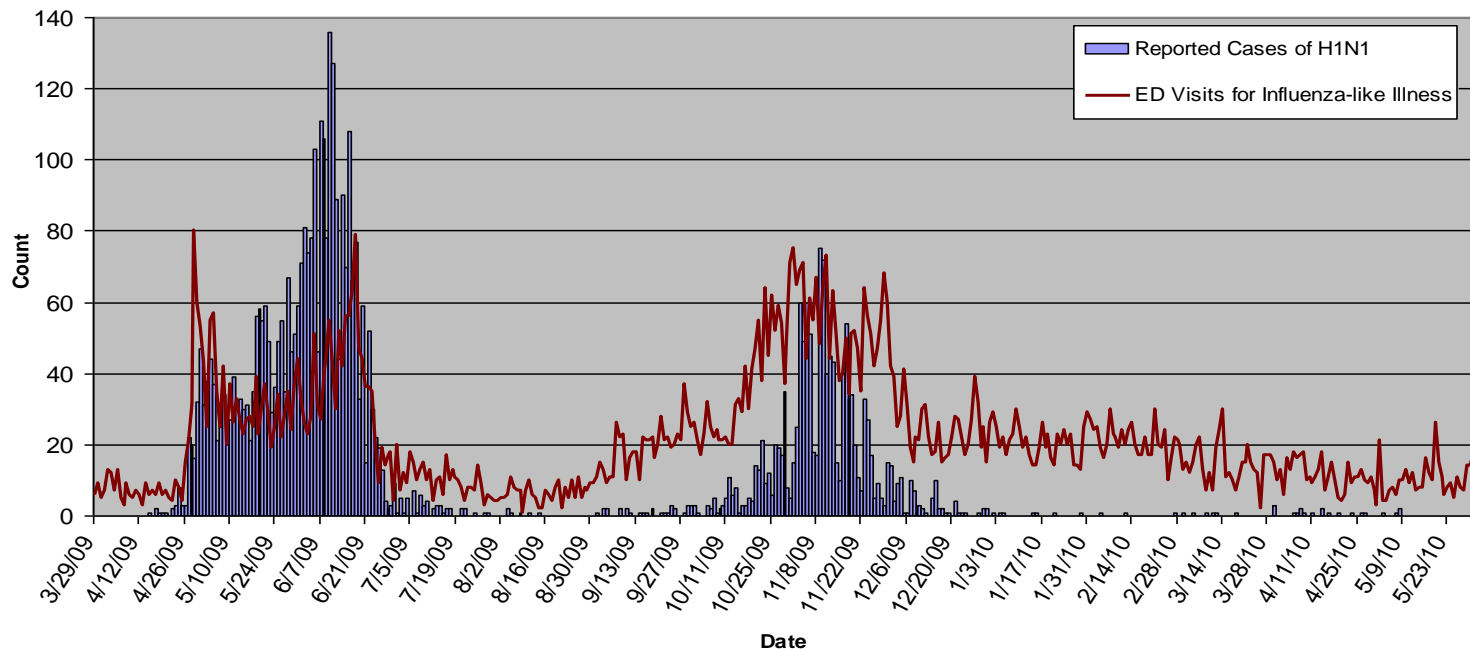
City of Milwaukee v. Ruby Washington

- Comprehensive TB program available in State
- Repeated non-compliant and threat to public's health (infectious TB)
- Ruling upheld for correctional facility confinement



MHD Case Reports and ED Visits for ILI

H1N1 Cases (by onset date) and ED Visits for Influenza-like Illness (by date of visit) during the 2009 Influenza A H1N1 Pandemic



CDC School Closure Guidance

- Benefits of closure generally do not outweigh social and economic disruption based on modeling of current epi data
- Exclude persons until 24 hours after fever resolves without use of antivirals or other medications
- Decision to close made in consultation with school officials and at discretion of LPHAs based on severity and impact of disease transmission in a community



Implementation Roadmap

- Convene a legal counsel and define their role
- Review applicable public health authorities
- Drafting of legal templates
- Conduct an initial stakeholders meeting
- Finalize and share legal templates

Implementation Roadmap (cont.)

- Convene a legal counsel and define their role
 - Individuals critical to the projects success
 - City attorney's office
 - District attorney's office
 - WI Department of Health Services (DHS) Office of Legal Counsel
 - State Bar Association of Wisconsin
 - CDC Public Health Law Program

Implementation Roadmap (cont.)

- Review applicable public health authorities
 - WI state statutes lay basic groundwork and provide a general authority to do what ever it takes to protect the public's health
 - However the statutes do not provide detail on how or when PH issues should be issued or ordered
 - How do public health officials enforce very broad but ill defined powers?
 - Review limited statutes that provide guidance such as immunizations, TB enforcement and HIV

Implementation Roadmap (cont.)

- Drafting of legal templates for the enforcement of public health powers
 - Summons
 - Notice of Rights
 - Notice to appear
 - Bench Warrant
 - Petition
 - Order to enforcement
 - Affidavits
 - Complaint

Implementation Roadmap (cont.)

- Conducting a stakeholder meeting
 - Attendees
 - Legal partners from local, state and federal agencies
 - First responders from local, state and federal agencies
 - Public Health representatives from local, state and federal partners

Stakeholder Meeting

- Develop Scenarios
 - Create specific scenarios to discuss conditions where public health containment measures may need to be utilized
- Develop questions to ask the stakeholders
 - What should be included in the order?
 - As a recipient of an order, what are the questions and concerns that you have?
 - What would make it difficult for you to comply with an order?

Stakeholder Meeting (cont.)

- Findings from MHD stakeholder meeting
 - Partners would like more clarity in their role during a health emergency
 - Work extremely closely with legal partners to ensure orders are comprehensive and will stand-up in court
 - Need to determine a process on how orders will be served or communicated with individuals and the community

Finalizing/Sharing Legal Templates

- Development of basic guidelines for containment measures
 - Minimize duration of public health orders
 - Strongly encourage voluntary compliance
 - When serving orders
 - Be accompanied by a representative of the district attorney's office or local law enforcement
 - If necessary have an interpreter and/or translated materials
 - Provide PPE and fit testing when necessary
 - Identify trigger points for implementation and what constitutes non-compliance
 - Provide community education

Finalizing/Sharing Legal Templates (cont.)

- Development of guidelines for specific public health containment measures
- Development of Sample scenarios
- Finalized legal document templates
- Sharing of resources
 - MHD website of template materials that could be adapted
 - www.milwaukee.gov/health/legaltoolkitforpublichealthprofessionals.htm



City of Milwaukee Health Department

Welcome to the City of Milwaukee Health Department

About Us

Locations and Schedules

H1N1 Flu (Swine Flu)

Infant Mortality

Woman and Child Health

Teen Health

Healthy Eating and Exercise

Health Insurance Assistance

STD / HIV / AIDS Services

Tobacco Control Program

Food Safety, Inspections and Licensing

Birth and Death Certificates

Immunizations

Injury & Violence Prevention

Printable Version

City Home | City of Milwaukee Health Department | Legal Toolkit for Public Health Professionals

Legal Toolkit for Public Health Professionals

share   

Thanks to NACCHO for their contribution in helping to create this resource.

A Primer on Public Health Law

Public health officials have broad authority to ensure a safe and orderly community. State laws tend to be broad and do not set forth, in detail, specific criteria on how or when public health officials can or should issue orders. There is very limited guidance on the how long an order should be in place, the process for issuing orders and for the legal enforcement of orders. Nor is there guidance on legal recourse or the implementation of orders or the legal process should health officials face non compliant citizens.

Wisconsin state laws give local health officers great latitude in keeping the public healthy. With this latitude comes a loss of freedom and privacy. Justification for this loss of freedom and privacy stems from the notion that people's actions can have a devastating effect on the overall health and well-being of a community and that quick action is vital if public health officials hope to contain the spread of communicable diseases. It is also understood that personal freedom is not an absolute right.

About this Toolkit

The most commonly referenced containment measures applied on an individual level are isolation and quarantine. The Public Health Seattle and King County website offers a comprehensive tool for public health agencies seeking to implement and enforce isolation and quarantine orders. However, public health containment measures are much broader than simply isolation and quarantine, and include measures that can be applied at both the individual and the community level. Community containment measures that can be employed in an outbreak include suspending school, public transportation and public gatherings, as well as limiting travel. This toolkit provides templates and guidelines for public health orders as well as the supporting legal documents to enforce those orders should that become necessary.

Hypothetical scenarios were created to guide the development of templates for each of the containment measures listed above. These scenarios have been provided with each set of templates as it may illuminate the assumptions that drove the creation of the documents. Most of the scenarios refer to the containment of influenza like illness. In light of the current H1N1 pandemic this most likely situation in which the documents will be used.

Commissioner's Desk



Think Health. Act Now!
CITY OF MILWAUKEE
HEALTH DEPARTMENT

- Welcome to Our Site
- Biography
- Video Gallery
- Contact

Quick Links

-  H1N1 Flu Info
-  Food Establishment Inspection Pages
-  Infant Mortality in Milwaukee
-  DONATE to Cribs for Kids
-  Media Alerts and Press Releases

MHD Contacts

- MHD Services A to Z
- MHD Main Office

Suspension of School or Childcare

Click on the items below to view their corresponding documents.

- Guidelines for Suspension of School or Childcare
- Sample Scenario
- Order
- Complaint
- Affidavit of Health Commissioner in Support of Complaint
- Affidavit of Disease Control Officer in Support of Complaint
- Notice of Rights
- Affidavit of Service
- Summons
- Notice to Appear
- Bench Warrant
- Order for Enforcement

Back ▲

Limiting Travel

Click on the items below to view their corresponding documents.

- Limiting Travel FAQ
- Sample Scenario
- Order
- Complaint
- Affidavit of Health Commissioner in Support of Complaint

Next Steps

- Initiate conversations with the court systems
- Initiate conversations with private legal sector
- Develop an exercise to test the issuance of a public health order and potential non-compliance
- Develop MOUs with partner agencies
- Create or amend public health legislation that updates and more explicitly defines public health authority

Acknowledgments

- City of Milwaukee City Attorney's Office
- Milwaukee County District Attorney's Office
- Seattle/King County Health Department
- WI Department of Health Office of Legal Counsel
- State Bar of Wisconsin
- NACCHO
- CDC Public Health Law Program



Mat Wolters, MS

Pandemic Flu Coordinator

City of Milwaukee Health Department

mwolte@milwaukee.gov

414-286-5448

February 22, 2011